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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

B E F O R E

THE HON'BLE MR. JUSTICE V. GOPALA GOWDA

W.P.NO.12359/1992(S)

BETWEEN:

G.R.Ganeshan,  
Son of Smt.Lakshmidevi,  
Aged 29 years,  
Residing at Hirisave village,  
Channarayapatna Taluk,  
Hassan District.

12359  
...PETITIONER

(By Sri Robert D'Souza for  
Sri Ravivarma Kumar, Advs.)

AND:

1. The Recruitment Committee,  
by its Convenor,  
Karnataka State Pollution  
Control Board,  
6th Floor, Public Utility  
Building, Mahatma Gandhi Road,  
Bangalore-560 001.

2. Karnataka State Pollution  
Control Board,  
By its Secretary,  
6th Floor,  
Public Utility Building,  
Mahatma Gandhi Road,  
Bangalore-560 001.

...RESPONDENTS

(By Sri V.R.Datar, Adv.)

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This writ petition is filed under article 226 of the Constitution of India with a prayer to direct the respondents to consider the case of the petitioner for appointment as Assistant Engineer/Assistant Environmental Engineer against a post reserved for group 'C' and to appoint the petitioner accordingly, and etc.

This writ petition coming on for hearing this day the Court made the following:-

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The petitioner in this writ petition is seeking for issuance of a writ of mandamus directing the respondents to consider the case of the petitioner for appointment as Assistant Engineer/Assistant Environmental Engineer against a post reserved for Group 'C' and appoint in the said post urging the following legal contentions:

That action of the respondents is opposed to the principles of natural justice. Further, the action of the respondents in not selecting him to the post of Assistant Engineer/Assistant Environmental Engineer is violative of Articles 14 & 16(4) of the Constitution of India as he was qualified and

eligible to be considered for appointment to the said post and there were four posts earmarked under Group-C category. Petitioner made a claim under the said Group but he did not produce the relevant Form i.e. Form No.4 Certificate required to be submitted along with the application as per instructions at Annexure- R1. Learned Counsel appearing for the petitioner Mr.D'Souza submits that he has produced the original income certificate before the second respondent. The first respondent-Committee has arbitrarily refused to receive the certificate and treated him as Group-C candidate therefore, the learned Counsel submits that action of the respondents in not selecting him under the said category to the above referred post is violative of Articles 14, 16<sup>& 16</sup> of the Constitution of India.

2. The respondents have filed detailed counter. At paragraph.9 it has been stated that, petitioner had not complied with the terms of advertisement calling for applications for the post of Assistant Engineers/Assistant Environmental Engineers pursuant

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to Annexure-A as also instructions vide Annexure-R1. The necessary Caste-cum-Income Certificate as required under Rule was not attached along with the application, which was a mandatory requirement. It is stated that, however, respondents, considering the academic qualifications of the petitioner instead of rejecting the application being incomplete, considered it in General Merit Category and therefore did not deny the opportunity of being called for the interview in the General Merit Category. Therefore there is no question of considering his application under Group-C Category. Respondents submit that there is no violation of Article 16(4) of the Constitution of India as alleged.

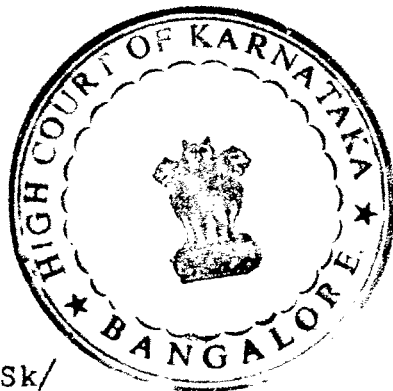
3. In view of the admitted facts and the stand taken by the respondents, the petitioner is not entitled for the relief sought for in this writ petition. Admittedly, the applicant-petitioner did not produce the caste-cum-income certificate to avail benefit under Group-C category and further submission that,

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the respondents would have permitted the petitioner to produce the certificate at the time of interview is not tenable. It is well settled principle of law that, instructions given in the advertisement-notification must be strictly followed as those instructions are held mandatory as law declared by the Supreme Court in catena of cases.

4. Since the petitioner has failed to comply with the mandatory requirement, no relief can be granted. Hence, Writ Petition is dismissed. No costs.



Sk/

Sd/-  
JUDGE